

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

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CUTBERTO VIRAMONTES, et al.	:	
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Plaintiffs,	:	
	:	Case No. 1:21-cv-04595
v.	:	
	:	Chief Judge Rebecca R. Pallmeyer
THE COUNTY OF COOK, et al.	:	
	:	
Defendants.	:	

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**PLAINTIFFS' RULE 56.1 STATEMENT OF MATERIAL FACTS IN SUPPORT OF  
SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1(a)(2) & (d), Plaintiffs Cutberto Viramontes, Christopher Khaya, Firearms Policy Coalition, Inc., and Second Amendment Foundation submit the following material facts in support of their motion for summary judgment.

1. Plaintiff Cutberto Viramontes is a resident of Cook County. Dep. of Cutberto Viramontes at 6:20–22 (Feb. 9, 2022), attached as Exhibit 1.
2. Viramontes presently desires to own a Smith & Wesson M&P 15 rifle, which is banned by the Cook County ordinance challenged here. *Id.* at 52:8–15.
3. Viramontes intends to possess this AR-15 style rifle for self-defense. *Id.* at 52:16–18.
4. Plaintiff Christopher Khaya is a resident of Cook County. Dep. of Christopher Khaya at 7:15–16 (Feb. 14, 2022), attached as Exhibit 2.
5. Khaya presently desires to own an IMI Galil semiautomatic rifle, which is banned by the Cook County ordinance challenged here. *Id.* at 79:23–80:10.

6. Khaya intends to possess this rifle<sup>1</sup> for target shooting and other lawful purposes, including self-defense. *Id.* at 82:7–15.

7. Plaintiff Firearms Policy Coalition, Inc. is a nonprofit organization incorporated under the laws of Delaware, with its principal place of business in Clark County, Nevada. *See* Decl. of Brandon Combs ¶ 3 (Apr. 21, 2023), attached as Exhibit 3.

8. FPC seeks to defend and promote the People’s rights—including the right to keep and bear arms—advance individual liberty, and restore freedom. FPC serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, outreach, and other programs. *Id.*

9. FPC has members throughout the United States, some of whom reside in Cook County. *Id.* ¶ 4.

10. Plaintiffs Viramontes and Khaya are members of FPC. *Id.* ¶ 5.

11. This case is germane to the core purposes of FPC. *Id.* ¶¶ 6–7.

12. Plaintiff Second Amendment Foundation is a nonprofit educational foundation incorporated under the laws of Washington with its principal place of business in Bellevue, Washington. *See* Decl. of Alan Gottlieb ¶ 3 (Apr. 21, 2023), attached as Exhibit 4.

13. SAF seeks to preserve the effectiveness of the Second Amendment through education, research, publishing, and legal action programs focused on the constitutional right to keep and bear arms and the consequences of gun control. *Id.*

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<sup>1</sup> Plaintiffs note that in the statement of material facts supporting the County’s motion for summary judgment, the County stated that Khaya “seeks to own an Israel Military Industries Galil AR-15 style semiautomatic rifle, which is banned by the Ordinance” and Plaintiffs admitted that fact. *See* Pls.’ Resp. to Defs.’ Rule 56.1 Statement of Material Facts ¶ 15, Doc. 98 (Apr. 24, 2023). The firearm in question is not an AR-15 style rifle but is largely based on the AK-47 design; Plaintiffs correct their response to that extent. The remainder of the asserted fact—including that the rifle in question is banned by Cook County—is true.

14. SAF has members throughout the United States, some of whom reside in Cook County. *Id.* ¶ 4.

15. Plaintiffs Viramontes and Khaya are members of SAF. *Id.* ¶ 5.

16. This case is germane to the core purposes of SAF. *Id.* ¶¶ 6–7.

Dated: May 1, 2023

Respectfully Submitted,

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